



General Assembly

January Session, 2003

**Amendment**

LCO No. 5845

\*HB0637205845HD0\*

Offered by:

REP. O'ROURKE, 32<sup>nd</sup> Dist.

REP. SPALLONE, 36<sup>th</sup> Dist.

To: Subst. House Bill No. 6372

File No. 35

Cal. No. 57

**"AN ACT CONCERNING DIRECT PRIMARIES."**

1 Strike lines 1 to 11, inclusive, in their entirety and substitute the  
2 following in lieu thereof:

3 "Section 1. (NEW) (*Effective January 1, 2004, and applicable to primaries*  
4 *and elections held on or after January 1, 2004*) Petition forms for  
5 candidacies for nomination by a political party to a state office, as  
6 defined in section 9-372 of the general statutes, as amended by this act,  
7 or the district office of representative in Congress shall be available  
8 from the Secretary of the State beginning on the one hundred fifth day  
9 preceding the day of the primary for such state and district offices.  
10 Petition forms for candidacies for nomination by a political party to the  
11 district office of judge of probate, state senator or state representative  
12 shall be available from the Secretary of the State beginning on the day  
13 following the close of the district convention held for the purpose of  
14 nominating such party's candidate for such office. Any person who  
15 requests a petition form shall give the"

16 In line 677, strike "one hundred ninth" and insert "ninety-eighth" in  
17 lieu thereof

18 In line 678, strike "ninety-seventh" and insert "seventy-seventh" in  
19 lieu thereof

20 In line 817, strike "one-hundred-thirty-seventh" and insert "one-  
21 hundred-sixty-eighth" in lieu thereof

22 In line 818, strike "one-hundred-thirty-first" and insert "one-  
23 hundred-sixty-first" in lieu thereof

24 In line 823, strike "thirtieth" and insert "sixtieth" in lieu thereof

25 In line 835, strike "one-hundred-ninth" and insert "eighty-fourth" in  
26 lieu thereof

27 In line 836, strike "ninety-seventh" and insert "seventy-seventh" in  
28 lieu thereof

29 In line 844, strike ", the" and insert ". The" in lieu thereof

30 In line 847, strike ". The" and insert ", the" in lieu thereof

31 In line 1096, strike ", except that petition forms for candidacies for"

32 Strike lines 1097 to 1099, inclusive, in their entirety

33 In line 1100, strike "such office"

34 Strike section 37 in its entirety and renumber the remaining sections  
35 accordingly

36 After the last section, add the following and renumber sections and  
37 internal references accordingly:

38 "Sec. 501. Subsection (c) of section 9-333j of the general statutes is  
39 repealed and the following is substituted in lieu thereof (*Effective*  
40 *October 1, 2003*):

41 (c) (1) Each statement filed under subsection (a), (e) or (f) of this  
42 section shall include, but not be limited to: (A) An itemized accounting  
43 of each contribution, if any, including the full name and complete  
44 address of each contributor and the amount of the contribution; (B) in  
45 the case of anonymous contributions, the total amount received and  
46 the denomination of the bills; (C) an itemized accounting of each  
47 expenditure, if any, including the full name and complete address of  
48 each payee, the amount and the purpose of the expenditure, the  
49 candidate supported or opposed by the expenditure, whether the  
50 expenditure is made independently of the candidate supported or is an  
51 in-kind contribution to the candidate, and a statement of the balance  
52 on hand or deficit, as the case may be; (D) an itemized accounting of  
53 each expense incurred but not paid; (E) the name and address of any  
54 person who is the guarantor of a loan to, or the cosigner of a note with,  
55 the candidate on whose behalf the committee was formed, or the  
56 campaign treasurer in the case of a party committee or a political  
57 committee or who has advanced a security deposit to a telephone  
58 company, as defined in section 16-1, for telecommunications service  
59 for a committee; (F) for each business entity or person purchasing  
60 advertising space in a program for a fund-raising affair, the name and  
61 address of the business entity and the name of the chief executive  
62 officer of the business entity or the name and address of the person,  
63 and the amount and aggregate amounts of such purchases; (G) for  
64 each individual who contributes in excess of one hundred dollars but  
65 not more than one thousand dollars, in the aggregate, to the extent  
66 known, the principal occupation of such individual and the name of  
67 the individual's employer, if any; (H) for each individual who  
68 contributes in excess of one thousand dollars in the aggregate, the  
69 principal occupation of such individual, the name of the individual's  
70 employer, if any, and a statement indicating whether the individual or  
71 a business with which he is associated has a contract with the state  
72 which is valued at more than five thousand dollars; [and] (I) for each  
73 itemized contribution made by a lobbyist, the spouse of a lobbyist or  
74 any dependent child of a lobbyist who resides in the lobbyist's  
75 household, a statement to that effect; and (J) for each individual who

76 contributes in excess of four hundred dollars in the aggregate to or for  
77 the benefit of any candidate's campaign for nomination at a primary or  
78 election to the office of chief executive officer of a town, city or  
79 borough, a statement indicating whether the individual or a business  
80 with which he is associated has a contract with said municipality that  
81 is valued at more than five thousand dollars. Each campaign treasurer  
82 shall include in such statement an itemized accounting of the receipts  
83 and expenditures relative to any testimonial affair held under the  
84 provisions of section 9-333k or any other fund-raising affair.

85 (2) Each contributor described in subparagraph (G), (H), [or] (I) or  
86 (I) of subdivision (1) of this subsection shall, at the time [he] the  
87 contributor makes such a contribution, provide the information which  
88 the campaign treasurer is required to include under said subparagraph  
89 in the statement filed under subsection (a), (e) or (f) of this section.  
90 Notwithstanding any provision of subdivision (2) of section 9-7b, any  
91 contributor described in subparagraph (G) of subdivision (1) of this  
92 subsection who does not provide such information at the time [he] the  
93 contributor makes such a contribution and any treasurer shall not be  
94 subject to the provisions of subdivision (2) of section 9-7b. If a  
95 campaign treasurer receives a contribution from an individual which  
96 separately, or in the aggregate, is in excess of one thousand dollars and  
97 the contributor has not provided the information required by said  
98 subparagraph (H) or if a campaign treasurer receives a contribution  
99 from an individual to or for the benefit of any candidate's campaign  
100 for nomination at a primary or election to the office of chief executive  
101 officer of a town, city or borough, which separately, or in the  
102 aggregate, is in excess of four hundred dollars and the contributor has  
103 not provided the information required by said subparagraph (I), the  
104 campaign treasurer: (i) Within three business days after receiving the  
105 contribution, shall send a request for such information to the  
106 contributor by certified mail, return receipt requested; (ii) shall not  
107 deposit the contribution until [he] the campaign treasurer obtains such  
108 information from the contributor, notwithstanding the provisions of  
109 section 9-333h; and (iii) shall return the contribution to the contributor

110 if the contributor does not provide the required information within  
111 fourteen days after the treasurer's written request or the end of the  
112 reporting period in which the contribution was received, whichever is  
113 later. Any failure of a contributor to provide the information which the  
114 campaign treasurer is required to include under said subparagraph (G)  
115 or (I), which results in noncompliance by the campaign treasurer with  
116 the provisions of said subparagraph (G) or (I), shall be a complete  
117 defense to any action against the campaign treasurer for failure to  
118 disclose such information.

119 (3) Contributions from a single individual to a campaign treasurer  
120 in the aggregate totaling thirty dollars or less need not be individually  
121 identified in the statement, but a sum representing the total amount of  
122 all such contributions made by all such individuals during the period  
123 to be covered by such statement shall be a separate entry, identified  
124 only by the words "total contributions from small contributors".

125 (4) Statements filed in accordance with this section shall remain  
126 public records of the state for five years from the date such statements  
127 are filed.

128 Sec. 502. Section 7-421 of the general statutes is repealed and the  
129 following is substituted in lieu thereof (*Effective July 1, 2003*):

130 (a) No [person employed in the classified civil service] municipal  
131 employee may (1) use his official authority or influence for the purpose  
132 of interfering with or affecting the result of an election or a nomination  
133 for office; (2) directly or indirectly coerce, attempt to coerce, command  
134 or advise a state or local officer or employee to pay, lend or contribute  
135 anything of value to a party, committee, organization, agency or  
136 person for political purposes.

137 (b) A [person employed in said classified service] municipal  
138 employee retains the right to vote as he chooses and to express his  
139 opinions on political subjects and candidates and shall be free to  
140 participate actively in political management and campaigns. Such  
141 activity may include, but shall not be limited to, membership and

142 holding of office in a political party, organization or club, campaigning  
143 for a candidate in a partisan election by making speeches, writing on  
144 behalf of the candidate or soliciting votes in support of or in opposition  
145 to a candidate and making contributions of time and money to political  
146 parties, committees or other agencies engaged in political action,  
147 except that no classified employee shall engage in such activity while  
148 on duty or within any period of time during which such employee is  
149 expected to perform services for which he receives compensation from  
150 the municipality, and no such employee shall utilize municipal funds,  
151 supplies, vehicles or facilities to secure support for or oppose any  
152 candidate, party, or issue in a political partisan election.  
153 Notwithstanding the provisions of this subsection, any municipal  
154 employee may be a candidate for a federal, state or municipal elective  
155 office in a political partisan election and no municipality or any officer  
156 or employer thereof shall take or threaten to take any personnel action  
157 against any such employee due to such candidacy. No person seeking  
158 or holding state or municipal office in accordance with the provisions  
159 of this subsection shall engage in political activity or in the  
160 performance of the duties of such office while on municipal duty or  
161 within any period of time during which such person is expected to  
162 perform services for which such person receives compensation from  
163 the municipality.

164 (c) Any municipal employee who leaves his municipal employment  
165 to accept a full-time elective municipal office shall be granted a  
166 personal leave of absence without pay from his municipal employment  
167 for not more than two consecutive terms of such office or for a period  
168 of four years, whichever is shorter. Upon reapplication for his original  
169 position at the expiration of such term or terms of office, such person  
170 shall be reinstated in his most recent municipal position or a similar  
171 position with equivalent pay or to a vacancy in any other position such  
172 person is qualified to fill. If no such positions are available, such  
173 person's name shall be placed on all reemployment lists for classes for  
174 which he is eligible. Such person shall give notice in writing to his  
175 municipal employer that he is a candidate for a full-time elective

176 municipal office within thirty days after nomination for that office.

177 (d) Notwithstanding the provisions of subsection (c) of this section,  
178 upon the request of any municipal employee to whom a personal leave  
179 of absence has been granted pursuant to said subsection, his municipal  
180 employer may, in its sole discretion, determine whether to extend such  
181 leave of absence beyond the period permitted in said subsection and, if  
182 extended, what terms and conditions shall pertain to such extension.  
183 As part of any such extension, rights of reinstatement with equivalent  
184 pay or benefits may be granted to such employee.

185 (e) Any municipal employee shall have the right to serve on any  
186 governmental body of the town in which such employee resides except  
187 any body which has responsibility for direct supervision of such  
188 employee. [Notwithstanding the provisions of this subsection, (1) no  
189 such employee shall serve on any of the following unless such  
190 employee is permitted to serve pursuant to the provisions of a  
191 municipal charter or home rule ordinance or serves because of  
192 membership on the legislative body of the municipality: (A) Any board  
193 of finance created pursuant to chapter 106 or any special act or  
194 municipal charter; (B) any body exercising zoning powers pursuant to  
195 chapter 124 or any special act or municipal charter; (C) any body  
196 exercising land use powers pursuant to chapter 125a or any special act  
197 or municipal charter; (D) any body exercising planning powers  
198 pursuant to chapter 126 or any special act or municipal charter; or (E)  
199 any body regulating inland wetlands and watercourses pursuant to  
200 chapter 440 or any special act or municipal charter; and (2) any  
201 municipality may, by ordinance adopted by its legislative body,  
202 authorize such employees to serve on (A) any body exercising zoning  
203 powers pursuant to chapter 124 or any special act or municipal charter;  
204 (B) any body exercising land use powers pursuant to chapter 125a or  
205 any special act or municipal charter; (C) any body exercising planning  
206 powers pursuant to chapter 126 or any special act or municipal charter;  
207 or (D) any body regulating inland wetlands and watercourses  
208 pursuant to chapter 440 or any special act or municipal charter.]

209        (f) Notwithstanding the provisions of subsection (e) of this section,  
210        no municipal employee elected or appointed on or after November 4,  
211        2003, to an office that the employee did not hold immediately prior to  
212        said date, including any municipal employee granted a leave of  
213        absence, shall vote or otherwise participate in his or her official  
214        capacity with respect to any matter involving (1) terms and conditions  
215        of employment of any person with immediate or ultimate supervisory  
216        authority for such employee or, in the case of an employee granted  
217        municipal leave, for such employee at the time of his or her election or  
218        appointment, (2) municipal personnel policies, (3) municipal collective  
219        bargaining, or (4) appropriation, authorization or other allocation of  
220        funding to the agency, program, service or position in which he or she  
221        is employed or, in the case of any employee granted municipal leave,  
222        in which he or she was employed at the time of his or her election or  
223        appointment."